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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,241	04/24/2001	Gregg Freishtat	P3985	7519
24739 7590 01/22/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
KARMIS, STEFANOS				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/842,241

**Applicant(s)**

FREISHTAT ET AL.

**Examiner**

STEFANOS KARMIS

**Art Unit**

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 10 November 2008.

#### ***Status of Claims***

2. Claims 1-40 are cancelled. Claims 66 and 67 are currently amended. Claims 41-67 pending.

#### ***Response to Arguments***

3. Applicant's arguments, filed 10 November 2008, with respect to the rejection(s) of claim(s) 41-67 have been fully considered but are not persuasive.
4. Applicant's argument that the prior fails to teach "a second mechanism for determining whether the request comes directly from the customer, or through a second Web server at a second enterprise." However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Claim 41 contains multiple intended use limitations. "A first mechanism 'for' receiving a request for information or services," "a second mechanism 'for' determining whether the request comes directly from the customer...", "a third mechanism 'for' responding with information." Applicant should consider

amending the claim to actively recite the components of the system to create a structural difference between the present application and other systems with three mechanisms.

5. Examiner also notes that Applicant's remarks emphasize distinctions between the claims and Applicant's specification. For example, the claims recite that the second enterprise is one of a financial enterprise, a travel enterprise, or a security service enterprise. However, the specification states that the "first" enterprise is one of a financial enterprise, a travel enterprise or a security enterprise. Therefore, there appears to be a contradiction between the first and second enterprises. Further, the claims recite that the first enterprise is an Internet portal enterprise. However the specification states that the "second" enterprise is an Internet portal enterprise. Therefore, given the broadest reasonable interpretation, claim 41 merely recites three structural components as discussed above. Taken a narrower view, claim 41 determines whether a request from a user is done via a second server/portal/financial institution and filters information. The Examiner appreciates Applicant's clarification of the invention in the remarks, but the Examiner suggests amending the claim to be consistent with the specification and to garner an interpretation sought after by Applicant. Therefore, the Examiner believes, given the broadest reasonable interpretation, that the teachings of Drummond in view of Vittal are sufficient to cover the teachings of claim 41, 50 and 59 as well as the dependents.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 41-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al. (hereinafter Drummond) US 2001/0014881 in view of Vittal et al. (hereinafter Vittal) U.S. Patent 6,907,401 2001/0014881.

Claims 41, 50 and 59, Drummond teaches a first Web server hosted by a first enterprise, comprising: a first mechanism for receiving a request for information or services from a customer (page 5, paragraph 0098 and page 9, paragraphs 0143-0145); a second mechanism for determining whether the request comes directly from the customer, or through a second Web server at a second enterprise (page 6-7, paragraph 0113-0116 and page 9, paragraphs 0143-0145); and a third mechanism for responding with information or provided service to the request; (page 7, paragraph 0118-0119 and page 9, paragraphs 0144-0145).

Drummond fails to teach identifying a particular server and filtering the information. Vittal teaches a portal switch for electronic commerce in which users can search for a desired item from a merchant (column 5, lines 39-59). Vittal further teaches that the user can perform the search by either interrogating the aggregator catalog and data profile or by searching directly the merchant databases (column 5, lines 39-59). The merchant server is connected to the aggregator through the portal (column 5, line 60 thru column 6, line 6). Therefore it would have been obvious to one of ordinary skill in the art to modify the transaction teachings of Drummond in which certain financial transactions are carried out by different ATMs with the direct and portal communication teachings of Vittal because it allows for specific services/items to be made available to a user based on the manner in which the user is accessing/requesting the service.

Claims 42, 51 and 60, Drummond teaches that certain ATM servers have greater capabilities for performing financial transactions and requests for services and certain services are offered depending on which ATM is accessed (page 7, paragraph 0118-0119 and page 9, paragraphs 0144-0145). Vittal also teaches filtering out information to provide to the user (column 6, lines 37-49 and column 10, lines 10-54).

Claims 43, 52 and 61, Drummond teaches wherein the Web server provides personal information (PI) collection and aggregation services on behalf of the customers, and the information provided is at least partially derived from the aggregated PI (page 9, paragraphs 0143-0145).

Claims 44, 53 and 62, Drummond teaches wherein the second enterprise is one of a financial enterprise, a travel enterprise, or a security services enterprise (page 9, paragraphs 0143-0145).

Claims 45, 54 and 63, Drummond teaches wherein the aggregated PI is collected from financial institutions having money deposited for the customer in one or more accounts, and the services include enabling the customer to accomplish one or more of transferring money from

one account to another, and transferring money from an account to settle an obligation to a third party (page 9, paragraph 0143).

Claims 46, 55 and 64, Drummond teaches wherein the transferring money to settle an obligation comprises paying a bill for either goods or services (page 9, paragraph 0143).

Claims 47, 56 and 65, Drummond and Vittal fail to teach a travel enterprise. Official Notice is taken that purchasing travel related services is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Drummond in view of Vittal to for financial transaction to include the travel transactions because they are financial in nature and provide a service to a customer.

Claims 48, 57 and 66, Drummond teaches wherein the specific services include one or more of (a) creating a new account, (b) authenticating the customer, (c) retrieving summary balance information, (d) retrieve detailed transactions, (e) initiating a funds transfer from one account to another, (f) get a list of eligible rewards, or (g) redeem mileage points (page 9, paragraph 0143).

Claims 49, 58 and 67, Drummond fails to teach an internet portal. Vittal teaches access via an internet portal (column 5, lines 39 thru column 6, line 6).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,  
/Stefanos Karmis/  
Primary Examiner, Art Unit 3693  
20 January 2009